

## EXHIBIT 75

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF OHIO  
3 EASTERN DIVISION

4 IN RE: NATIONAL ) MDL No. 2804  
5 PRESCRIPTION OPIATE )  
6 LITIGATION, ) Case No.  
7 ) 1:17-MD-2804  
8 )  
9 THIS DOCUMENT RELATES TO ) Hon. Dan A.  
10 ALL CASES ) Polster  
11 )

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Wednesday, December 12, 2018

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER  
CONFIDENTIALITY REVIEW

Videotaped Deposition of MIRANDA  
JOHNSON, held at 4206 South J.B. Hunt Drive,  
Rogers, Arkansas, commencing at 8:51 a.m., on  
the above date, before Debra A. Dibble,  
Certified Court Reporter, Registered  
Diplomate Reporter, Certified Realtime  
Captioner, Certified Realtime Reporter and  
Notary Public.

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1 form.

2 THE WITNESS: Yes, I believe

3 so.

4 Q. (BY MR. INNES) And how long  
5 was the -- strike that.

6 After the rollout, was it  
7 ever -- was it discontinued at any point in  
8 time?

9 MS. TABACCHI: Object to the  
10 form.

11 THE WITNESS: Can you clarify  
12 that question?

13 MR. INNES: Sure.

14 Q. (BY MR. INNES) So you  
15 testified that the Reddwerks system as it  
16 relates to C-IIs and C-IIIs rolled out to  
17 DC 6045 sometime in 2015.

18 When did it become permanent?

19 MS. TABACCHI: Object to the  
20 form.

21 THE WITNESS: The Reddwerks  
22 enhancement rolled to DC 6045 for  
23 C-IIs, and then the other DCs during  
24 2015 and was in place after that.

25 Q. (BY MR. INNES) So it was

1       seamless. From rollout until whenever  
2       Reddwerks was ultimately discontinued, there  
3       was no break in service, for instance?

4               MS. TABACCHI: Object to the  
5       form.

6               THE WITNESS: We rolled out in  
7       pilot to one DC. And maybe two -- and  
8       we may have had issues in two of them  
9       during our pilot phase where we had to  
10      pull it back out because things were  
11      not working the way we expected.

12              Q.       (BY MR. INNES) Was 6045 one of  
13      those?

14              A.       I do think 6045 had some issues  
15      when we first rolled out. But if my memory  
16      serves, by the end of 2015, we were back in  
17      6045.

18              Q.       During that break, how were --  
19      if they weren't identified -- if orders of  
20      interest weren't identified by Reddwerks, how  
21      were they identified?

22              MS. TABACCHI: Object to the  
23      form.

24              THE WITNESS: Just as I  
25      mentioned before, Reddwerks still had

1 criteria in place to identify orders,  
2 and then logistics compliance was  
3 involved -- I believe they were  
4 involved in determining whether it was  
5 an order of interest.

6 Q. (BY MR. INNES) Okay. So  
7 it's -- the break would have been only as to  
8 the enhancements; right?

9 A. Correct.

10 Q. Okay.

11 A. Correct.

12 Q. But the prior configurations of  
13 Reddwerks would have remained in place?

14 A. Correct.

15 Q. And the prior configuration of  
16 Reddwerks as it relates to orders of  
17 interest, what's your understanding of what  
18 that configuration was?

19 MS. TABACCHI: Object to the  
20 form.

21 THE WITNESS: My understanding  
22 was there were criteria in the system  
23 to flag orders that were over that  
24 criteria.

25 Q. (BY MR. INNES) By "criteria,"

1 do you mean threshold?

2 A. I believe some of the criteria  
3 were what you would consider a threshold, but  
4 I think there was another criteria that was a  
5 difference from a typical average or  
6 something like that.

7 Q. Okay. Do you know how the  
8 thresholds were determined at that time?

9 A. I don't. That was before I was  
10 in role.

11 Q. So part of your  
12 responsibilities and the focus as the  
13 director of controlled substances was to save  
14 a stalled program; is that right?

15 MS. TABACCHI: Object to the  
16 form.

17 THE WITNESS: My  
18 responsibilities were to move forward  
19 with the enhancements that we had  
20 planned.

21 Q. (BY MR. INNES) Okay. And to  
22 determine enhancements, did you have to do an  
23 evaluation of what was happening -- oh, I'm  
24 sorry -- of what the configuration was at the  
25 time?

1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: I was not focused  
4 on the current configuration. I was  
5 focused on what we wanted the  
6 enhancements to be.

7 MS. TABACCHI: Michael, when  
8 you get to a good point, can we take a  
9 quick break?

10 MR. INNES: Sure. Now is  
11 totally fine.

12 VIDEOGRAPHER: We are going off  
13 the record at 10:03 a.m.

14 (Recess taken, 10:03 a.m. to  
15 10:29 a.m.)

16 VIDEOGRAPHER: We are back on  
17 the record at 10:29 a.m.

18 Q. (BY MR. INNES) We're back, and  
19 then I should state for the record, if you  
20 need to take a break at any time, let us  
21 know.

22 A. Okay. Thank you.

23 Q. So during your tenure as  
24 director of controlled substances, we agree  
25 that Walmart had policies in place to prevent

1 the diversion of Schedule II and Schedule III  
2 drugs; is that right?

3 A. Yes. I'm aware of policies to  
4 do that.

5 Q. And in fact you were in charge  
6 of those policies; is that right?

7 MS. TABACCHI: Object to the  
8 form.

9 THE WITNESS: Not all of the  
10 policies.

11 Q. (BY MR. INNES) Not all of the  
12 policies. What policies were you in charge  
13 of?

14 A. I was responsible for policies  
15 related to the order monitoring program for a  
16 period of time. Also our policies related to  
17 prescription monitoring programs and  
18 corresponding responsibility.

19 Q. Corresponding responsibility  
20 to? What is that in reference to?

21 A. It's a requirement our  
22 pharmacists have in evaluating controlled  
23 substances prescriptions.

24 Q. The order monitoring policies,  
25 what were those policies?



1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: There was one  
4 policy that -- I can't remember the  
5 number off the top of my head. It was  
6 one that we reviewed earlier. But I  
7 wasn't responsible for it the entire  
8 time, but there was a portion of the  
9 time that it was -- I was responsible  
10 for the policy.

11 Q. (BY MR. INNES) And what  
12 portion of the time was that?

13 A. I believe the transition  
14 occurred sometime in 2015.

15 Q. Okay. And if you -- you said  
16 we saw it earlier. Do you want to take a  
17 minute and flip through and see if we can  
18 find it?

19 A. Sure.

20 So it would be the 21.04.02  
21 policy.

22 Q. And which tab is that you're  
23 referring to?

24 A. Because I'm not sure of the  
25 timeframe, I'm not sure if it's tab 4 or

1       tab 5.

2               Q.       I can try to help you with  
3       that.

4                       Tab 4 is December 2015 to --  
5       I'm sorry, tab 4 is March 15th to  
6       December 15th.

7               A.       Because I'm not sure of the  
8       timeframe of when the transition occurred for  
9       me to be responsible for the policies, I'm  
10      not sure which one was in effect at that  
11      time.

12              Q.       Okay. So you're aware that  
13      during the time period -- well, you were  
14      aware that for several decades now, the  
15      country has been enduring an opioid epidemic;  
16      is that right?

17                      MS. TABACCHI: Object to the  
18      form.

19                      THE WITNESS: Can you clarify  
20      that.

21              Q.       (BY MR. INNES) During your  
22      time as a controlled substance director, do  
23      you agree that the country is enduring an  
24      opioid epidemic?

25              A.       Yes.

1           Q.       And as part of your  
2       responsibilities as controlled substance  
3       director was to make sure that Walmart  
4       complied with the DEA's regulations; is that  
5       right?

6                   MS. TABACCHI: Object to the  
7       form.

8                   THE WITNESS: There are certain  
9       regulations that I was responsible for  
10      supporting the compliance program, not  
11      all of DEA's regulations.

12          Q.       (BY MR. INNES) And those  
13      regulations that you were responsible for,  
14      those related to the distribution of C-IIs  
15      and C-IIIs?

16                  MS. TABACCHI: Object to the  
17      form.

18                  THE WITNESS: Some of them did,  
19      yes.

20          Q.       (BY MR. INNES) And as you sit  
21      here today, you can't recall which policies  
22      were in place during that time?

23                  MS. TABACCHI: Object to the  
24      form, misstates the testimony.

25                  THE WITNESS: I recall which

1 policies were in place at that time.

2 I don't recall when I transitioned to  
3 be the one responsible for that  
4 policy, what time that occurred.

5 Q. (BY MR. INNES) Okay. I mean,  
6 that's a pretty big responsibility; right?  
7 When we're -- taking over the policies that  
8 are directly related to C-IIs and C-IIIs?

9 MS. TABACCHI: Object to the  
10 form.

11 THE WITNESS: There was a  
12 logistics compliance and practice  
13 compliance -- were both involved in  
14 the order monitoring process. At one  
15 point in time, logistics compliance  
16 was the lead responsible party, and  
17 that transitioned to practice  
18 compliance being the lead responsible  
19 party.

20 Q. (BY MR. INNES) But you don't  
21 recall when that transition occurred?

22 A. I don't remember the exact  
23 date.

24 Q. Approximate date?

25 A. It was generally in 2015

1       sometime.

2               Q.       So when you took that role on,  
3       what did you do?

4               MS. TABACCHI:   Object to the  
5       form.

6               THE WITNESS:   I don't remember  
7       exactly.   I believe we were still  
8       working on the enhancements to  
9       Reddwerks, so it was continued work on  
10      that.

11              Q.       (BY MR. INNES)   What did you do  
12      to identify excessive quantities of  
13      controlled substances that were ordered in a  
14      given period of time?

15              MS. TABACCHI:   Object to the  
16      form.

17              THE WITNESS:   So we put the  
18      Reddwerks enhancements in place to  
19      identify orders of interest.

20              Q.       (BY MR. INNES)   Okay.   What  
21      were those enhancements?

22              A.       We made adjustments to  
23      thresholds for pharmacies, and we allowed a  
24      longer timeframe for orders to be evaluated.

25                      We also brought the evaluation

1 process to the home office.

2 Q. Okay. So any other  
3 enhancements that were made?

4 MS. TABACCHI: Object to the  
5 form.

6 THE WITNESS: Nothing I can  
7 think of right now.

8 Q. (BY MR. INNES) Is there  
9 anything that would refresh your recollection  
10 as to what enhancements were made?

11 MS. TABACCHI: Object to the  
12 form.

13 THE WITNESS: I don't know.

14 Q. (BY MR. INNES) You stated one  
15 of the enhancements was adjustments to the  
16 thresholds. When was that enhancement put in  
17 place?

18 MS. TABACCHI: Object to the  
19 form.

20 THE WITNESS: As we rolled out  
21 the Reddwerks upgrade.

22 Q. (BY MR. INNES) And when was  
23 that?

24 A. It went into the DCs at various  
25 times throughout 2015.

1 Q. When did it go to DC 6045?

2 A. I don't remember exactly.

3 Q. When you say "adjustments to  
4 thresholds," what exactly does that mean?

5 A. The thresholds were more  
6 tailored for specific locations and specific  
7 drugs.

8 Q. How did you tailor them to  
9 specific locations?

10 MS. TABACCHI: Object to the  
11 form.

12 THE WITNESS: There was -- the  
13 thresh -- the updated thresholds were  
14 developed before I started in role,  
15 but my understanding is there was a  
16 third party with experience in  
17 statistics that developed the process  
18 for the thresholds.

19 Q. (BY MR. INNES) Okay. I  
20 thought we were -- your earlier testimony was  
21 that you were focused on enhancements to  
22 thresholds. Right?

23 A. (Witness nods.)

24 Q. That --

25 A. Yes. Actually implementing

1       those into the system.

2               Q.       Okay. So development of  
3       thresholds occurred prior to you taking the  
4       role?

5                       MS. TABACCHI: Object to the  
6       form.

7                       THE WITNESS: The -- yes. The  
8       concept for how thresholds would be  
9       developed in the new version was done  
10      before I was in role.

11              Q.       (BY MR. INNES) And did you  
12      have any -- after you came into the role, did  
13      you have any input into the adjustment of  
14      thresholds?

15                      MS. TABACCHI: Object to the  
16      form.

17                      THE WITNESS: Yes.

18              Q.       (BY MR. INNES) And what was  
19      that?

20              A.       There were occasions where we  
21      would adjust thresholds based on evaluation  
22      of a specific pharmacy and their threshold  
23      versus a big drug.

24              Q.       What was -- what went into that  
25      evaluation?



1 MS. TABACCHI: Object to the  
2 form.

3 THE WITNESS: After a review of  
4 an order, a detailed review of an  
5 order, if a threshold didn't seem to  
6 be correct for that drug, myself and  
7 the senior director of logistics could  
8 decide that a threshold needed to be  
9 modified.

10 Q. (BY MR. INNES) What went into  
11 that review?

12 MS. TABACCHI: Object to the  
13 form.

14 Q. (BY MR. INNES) Exactly what  
15 was the review that you did?

16 MS. TABACCHI: Object to the  
17 form.

18 THE WITNESS: Oh, okay. We  
19 reviewed data from the pharmacy  
20 location and then had a discussion to  
21 understand whether or not we felt the  
22 current threshold was appropriate  
23 based on the data. And if not, then  
24 we would make a modification.

25 Q. (BY MR. INNES) Okay. So what

1 data were you looking at?

2 MS. TABACCHI: Object to the  
3 form.

4 THE WITNESS: We looked at  
5 their dispensing data.

6 Q. (BY MR. INNES) Anything else?

7 A. I mean, we -- typically we'd  
8 have feedback from the pharmacy about, you  
9 know, why they might need more, and then  
10 dispensing data to see if that seemed  
11 appropriate.

12 Q. And "feedback from the  
13 pharmacy," what do you mean by that?

14 A. There were times when we would  
15 call the pharmacy or also talk to their  
16 market leader and ask questions about the  
17 pharmacy and, you know, why there may be a  
18 change in dispensing.

19 Q. A couple of times you've said  
20 "We" would call the pharmacy or "we" would do  
21 something. Who are you referring to when you  
22 say "we"?

23 A. There were -- logistics  
24 compliance may have been involved and then  
25 also our team in practice compliance.